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WOLF GREENFIELD & SACKS, P.C.  
600 ATLANTIC AVENUE  
BOSTON MA 02210-2206

In re Application of  
Call et al.  
Application No.: 10/585,216  
PCT No.: PCT/US2004/043950  
Int. Filing Date: 29 December 2004  
Priority Date: 30 December 2003  
Attorney Docket No.: D0504.7009US00  
(L0619.70003US01)  
For: Thiophene Derivatives For Up-  
Regulating HLA-DM Activity

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 13 March 2008.

### DISCUSSION

This international application was filed on 29 December 2004 and claimed a priority date of 30 December 2003. The United States was designated. The thirty month period for payment of the basic national fee in the United States expired as of midnight on 30 June 2006. On 30 June 2006, applicants filed *inter alia* the basic national fee.

On 30 March 2007, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of \$5480.00 in claims fees, an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

On 01 November 2007, applicants filed a response, including a declaration, the surcharge, a preliminary amendment and the surcharge.

On 15 February 2008, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed indicating that the declaration was defective because "inventor Melissa Nicholson has a name change."

### DISCUSSION

Inspection of the declaration of the inventors filed on 01 November 2007 reveals that it nominates "Melissa Call" in place of "NICHOLSON, Melissa" nominated in the published international application. In that this is clearly more than a mere typographic error or phonetic misspelling of applicant's name, a proper petition under 37 CFR 1.182 is required to resolve the discrepancy in the nominated inventive entity in order for the declaration to be accepted. See MPEP §§ 605.04(b) and 605.04(c).

Applicants have filed a petition under 37 CFR 1.182 addressing this discrepancy in the inventor's name. Petitioner indicates that the inventor "married and legally changed her surname from Nicholson to Call." Petitioner provides a "Statement of Melissa Call (*Nee* Nicholson)," signed by the inventor in both names, attesting to this change. In view of the totality of the

evidence of record, it would be appropriate to accept the name as "Melissa Call" on the executed declaration.

Further inspection of the declaration filed on 01 November 2007 reveals that the copy signed by Mr. Cuny includes an un-initialed alteration to his mailing address, and that the copy signed by inventor Wucherpfennig does not nominate the complete inventive entity (since it does not name Melissa Nicholson/Call). As such, it would not be appropriate to accept the declaration at this time.

### **DECISION**

The petition under 37 CFR 1.182 is **GRANTED**, to the extent described above.

Applicants have **ONE (1) MONTH** from the mail date of this decision to file an oath or declaration of the inventors compliant with 37 CFR 1.497(a) and (b).. Extensions of time are **NOT** available under 37 CFR 1.136(a). Failure to timely reply will result in **ABANDONMENT** of this application with respect to the national stage in the United States.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the Office of PCT Legal Administration

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283  
Fax: (571) 273-0459